

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TERRY KILGORE, SR. <u>et al.</u> ,	:	
	:	NO. 1:05-CV-00256
Plaintiffs,	:	
	:	
	:	ORDER
v.	:	
	:	
	:	
CITY OF CINCINNATI, <u>et al.</u> ,	:	
	:	
Defendants.	:	

This matter is before the Court on the Report and Recommendation that the Defendant Roger Bright's Motion for Summary Judgment (doc. 20) be granted (doc. 22). The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither Party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C). Pursuant to 28 U.S.C. §636(b), the Court has reviewed the Report and Recommendation de novo.

The Plaintiffs did not respond to Defendant Bright's Motion for Summary Judgment (doc. 22). The Court issued a Show Cause Order directing Plaintiffs to show cause in writing within fifteen days of the date of the Order why Defendant Bright's Motion for Summary Judgment should not be granted and the matter dismissed

as to Defendant Bright (Id.). Plaintiffs did not respond to the Show Cause Order (Id.). The Magistrate Judge aptly notes that a party's failure to respond to a motion for summary judgment is not enough by itself to grant the motion (Id.). Rather, a court is "required, at a minimum, to examine the movant's motion for summary judgment to ensure that he has discharged [his initial] burden." Stough v. Mayville Cmty. Schs., 138 F.3d 612, 614 (6th Cir. 1998). After reviewing the matter, the Magistrate Judge concludes that Plaintiffs' Complaint does not assert any specific claims relating to Defendant Bright and further, Plaintiffs, fail to produce any evidence establishing that a genuine issue of material fact exists for trial as it relates to Defendant Bright (doc. 22).

The Court finds the Magistrate Judge's Report and Recommendation well-reasoned and thorough. Accordingly, the Magistrate Judge's Report and Recommendation (doc. 22) is hereby ADOPTED IN ITS ENTIRETY. Defendant Bright's Motion for Summary Judgment (doc. 20) is GRANTED. Defendant Bright is hereby dismissed from this action.

SO ORDERED.

Dated: June 5, 2006

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge